

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PLANNED PARENTHOOD
SOUTHWEST OHIO REGION, *et al.*,

Plaintiffs,

v.

OHIO DEPARTMENT OF HEALTH, *et al.*,

Defendants.

Case No. 1:21-CV-00189-MRB

Judge Michael R. Barrett

**PLAINTIFFS' MOTION TO SHORTEN TIME FOR RESPONSE TO THEIR MOTION
TO REMAND PROCEEDINGS TO HAMILTON COUNTY
COURT OF COMMON PLEAS AND FOR ATTORNEYS FEES AND COSTS**

Plaintiffs Planned Parenthood Southwest Ohio Region, Dr. Sharon Liner, Planned Parenthood of Greater Ohio, Preterm-Cleveland, Women's Med Group Professional Corporation, and Northeast Ohio Women's Center respectfully move this Court to shorten the time for any response to their motion to remand this case to the Hamilton County Court of Common Pleas.

As Plaintiffs explain in their remand motion, this Court lacks subject matter jurisdiction and there is no basis whatsoever for removal. The Ohio Department of Health ("ODH"), Director Stephanie McCloud, and State Medical Board of Ohio's ("State Defendants") notice of removal is improper and frivolous, and its only conceivable purpose is to delay the preliminary injunction hearing currently scheduled for Tuesday, March 23, 2021, at 2:00 P.M. before the Hamilton County Court of Common Pleas. **Thus, in order to ensure the hearing may proceed, Plaintiffs request that this Court shorten the time for any response to their motion to remand and order that any opposition be filed by Monday, March 22, 2021 at 10:00 A.M.**

MEMORANDUM IN SUPPORT

1. This case seeks declaratory and injunctive relief from the implementation of Amended Senate Bill No. 27, 2020 Ohio Laws File 77 (“SB27”), which requires tissue from a procedural abortion (also known as a surgical abortion) be cremated or interred (buried). SB27 takes effect on April 6, 2021.

2. A hearing on Plaintiffs’ motion for temporary restraining order was held on March 11, 2021, in the Hamilton County Court of Common Pleas. Although the court denied Plaintiffs’ motion for temporary restraining order, the court quickly scheduled a hearing on the motion for preliminary injunction for this Tuesday, March 23, 2021, at 2:00 P.M. The court also ordered Defendants to file a response to Plaintiffs’ motion by March 18, 2021.

3. In an obvious attempt to deprive Plaintiffs of their opportunity to be timely heard on their preliminary-injunction request and to delay Plaintiffs from obtaining relief before SB27 takes effect on April 6, State Defendants removed this action to this Court, although removal is objectively unreasonable and improper, in lieu of filing their opposition in the state court.

4. Plaintiffs thus filed a motion to remand.

5. Under S.D. Ohio Civ. R. 7.2(a)(2), any opposition to Plaintiffs’ motion to remand is due within 21 days of filing.

6. If Defendants are permitted to file their opposition in 21 days, which is Friday, April 9, SB27 will be in effect, and Plaintiffs and their patients will be deprived of their constitutional rights.

7. For these reasons, Plaintiffs respectfully request that this Court shorten the time for filing any opposition to Monday, March 22, 2021, at 10:00 A.M., so that this Court has

sufficient time to consider the remand motion and return jurisdiction to the state court ahead of the Tuesday hearing.

Dated: March 19, 2021

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Respectfully submitted,

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*Application for *pro hac vice* in this Court
forthcoming

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2021, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties have access to this filing through the Court's system. I further certify that a copy of the foregoing pleading and Notice of Electronic Filing has been served by email upon all parties for whom counsel has not yet entered an appearance.

/s/ B. Jessie Hill
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